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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,303	10/31/2000	Weiya Luo	00-8008	1277

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EXAMINER

KANG, PAUL H

ART UNIT PAPER NUMBER

2141

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,303

Applicant(s)

LUO ET AL

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants have cancelled claims 26-53. Claims 1-25 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 19-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobson et al., US Patent No. 6,766,368 B1, in view of Roytman et al., US Patent Application No. 2002/0012011 A1.

3. As to claims 1, 6, 7, 12, 14, 20 and 24, Jakobson teaches the invention substantially as claimed. Jakobson teaches a method for managing a network, comprising:

providing a first list of events occurring in the network to a graphical user interface (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44);

simultaneously providing a second list of events occurring in the network, the second list comprising a predetermined number of most recent events to a graphical user interface (See Jakobson, col. 11, line 59 – col. 12, line 41); and

managing the network using the first and second lists (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44).

However, Jakobson does not explicitly teach that the second lists of events comprises a predetermined number of most recent events. In the same field of endeavor, Roytman teaches a system and method managing a network comprising providing a list of most recent event from which events/alarms may be filtered, selected and grouped (see Roytman, ¶¶ 0042-0047).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the list of most recent events as taught by Roytman into the network management system of Jakobson for allow user to enable an efficient and most current update of the management rules in the knowledge base.

4. As per claims 2 and 13, Jakobson-Roytman teaches setting a number of events to be provided in the second list (Roytman, ¶¶ 0042-0047 and 0051-0057).

5. As per claim 3, Jakobson-Roytman teaches selecting an event in the second list, and automatically selecting, in response to selecting an event in the second list, an equivalent event in the first list (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44).

6. As per claim 4, Jakobson-Roytman teaches acknowledging the equivalent event in the first list (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44)

7. As per claim 5, Jakobson-Roytman teaches wherein the first and second lists include events relating to at least one network element in the network (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44).

8. As per claim 8, Jakobson-Roytman teaches a device for managing a network having a plurality of network elements, comprising: a memory configured to store instructions; and a processor configured to execute the instructions to provide a list of identifiers associated with the plurality of network elements, each network element identifier being associated with a state indication (See Jakobson, Summary of the Invention and col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44).

9. As per claim 9, Jakobson-Roytman teaches a method for managing a network having a plurality of network elements, comprising: receiving a request for network information; providing a list of network element identifiers associated with the plurality of network elements, the list indicating a state of each of the plurality of network elements; and managing the network using the list (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44).

10. As per claim 10, Jakobson-Roytman teaches the system and method wherein the number of most recent events provided in the second list is set by a user (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44 and Roytman, ¶¶ 0042-0047).

11. As per claim 11, Jakobson-Roytman teaches the claimed invention as described above, wherein the user device is further configured to: select an event in the second list, and automatically select, in response to selecting an event in the second list, an equivalent event in

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the first list (See Jakobson, col. 11, line 59 – col. 12, line 41 and col. 13, lines 10-44 and Roytman, ¶¶ 0042-0047).

12. As per claim 15, Jakobson-Roytman teaches the claimed invention wherein for each network element identifier, a total number of alarms associated with each of the plurality of network elements (See Jakobson, col. 11, line 59 – col. 12, line 41).

13. As per claim 16, Jakobson-Roytman teach a system and method wherein the processor is further configured to: provide, for each network element identifier, a value indicating a quantity of major alarms associated with a respective network element, and provide, for each network element identifier, a second value indicating a quantity of minor alarms associated with a respective network element (Roytman, ¶¶ 0042-0047).

14. As per claims 19 and 21, Jakobson-Roytman teach a system and method comprising providing for each network element identifier, a value representing a number of escalated alarms associated with a respective network element (Roytman, ¶¶ 0042-0047 and Jakobson, col. 11, line 59 – col. 12, line 41).

15. Claims 17-18 and 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobson-Roytman in view of Branton, Jr. et al., U.S. Patent No. 6,301,336.

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16. As per claim 17, 22 and 25, Jakobson-Roytman teach the claimed invention as described above. However, Jakobson-Roytman fails to teach wherein to provide, for each network element identifier, a value representing a number of users monitoring a respective network element.

In the same field of endeavor, Branton teaches a method and apparatus for testing components in a communications system. Furthermore, Branton, teaches a system and method to provide, for each network element identifier, a value representing a number of users monitoring a respective network element (See Branton, col. 3, lines 62-65).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein to provide, for each network element identifier, a value representing a number of users monitoring a respective network element as taught by Branton, Jr. et al in the claimed invention of Jakobson-Roytman order to allow users to monitor testing of network elements from various locations. (See Branton, col. 3 line 67 and col. 4, line 1).

17. As per claim 18, Jakobson-Roytman teaches the claimed invention as described above. However, Jakobson-Roytman fail to teach wherein the processor is further configured to: provide, in response to selecting the value representing the number of users monitoring a network element, contact information for each user.

Branton, Jr. et al teaches wherein the processor is further configured to: provide, in response to selecting the value representing the number of users monitoring a network element, contact information for each user (See Branton, col. 11, lines 20-25)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the processor is further configured to: provide, in response to

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selecting the value representing the number of users monitoring a network element, contact information for each user as taught by Branton, Jr. et al in order to receive messages indicating that an error has occurred for a particular network element (See Branton, col. 11, lines 20-21).

18. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobson-Roytman-Branton in view of U.S. Patent No. 6,343,290 to Cossins et al.

19. As per claim 23, Jakobson-Roytman-Branton teach the claimed invention as described above. However, Jakobson-Roytman-Branton fails to teach wherein the list further includes at least one of a total number- of alarms associated with each of the plurality of network elements, a total number of trouble tickets associated with each of the plurality of network elements, a total number of held alarms associated with each of the plurality of network elements, and a network element type indication for each of the plurality of network elements.

In the same field of endeavor, Cossins et al teaches wherein the list further includes at least one of a total number of alarms associated with each of the plurality of network elements (See Cossins, col. 11, lines 43-46), a total number of trouble tickets associated with each of the plurality of network elements (See Cossins, col. 3, lines 20-24), a total number of held alarms associated with each of the plurality of network elements (See Cossins, col. 12, lines 31-36), and a network element type indication for each of the plurality of network elements (See Cossins, col. 9, lines 36-41).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the list further includes at least one of a total number- of alarms

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associated with each of the plurality of network elements, a total number of trouble tickets associated with each of the plurality of network elements, a total number of held alarms associated with each of the plurality of network elements, and a network element type indication for each of the plurality of network elements as taught by Cossins et al into the claimed invention of Jakobson-Roytman-Branton order to view, monitor, configure and manage a telecommunication network (See Cossins, col. 3, lines 17-19).

Response to Arguments

20. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance that the prior art of record failed to teach all limitations of the claimed invention. The new grounds of rejection teaches all limitations as claimed.

21. In response to the examiner's restriction requirement, the applicants have argue that the requirement is not necessary and proper, in lieu of making a formal election for Group I. Because an inadvertent typographical error was found in the Restriction, and to address applicants' concern regarding the propriety of the Groups presented by the examiner, the restriction is repeated below in order to clarify the record:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25, drawn to Computer Network Managing, classified in class 709, subclass 223.

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- II. Claims 26-37, drawn to GUI for Onscreen Network Hierarchy/Onscreen Roadmap, classified in class 715, subclass 855.
- III. Claims 38-53, drawn to GUI for Network Managing and Monitoring, classified in class 715, subclass 736.

The inventions are distinct, each from the other because of the following reasons:

Invention Group I, Group II and Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of Group II has separate utility such as Graphical User Interface for Onscreen Network Hierarchy and Onscreen network roadmaps and Group III has separate utility such as a Graphical User Interface for Network Managing and Monitoring. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The applicants have argued “that the restriction requirement characterizes Group III claims 38-53 as being drawn to GUI for Network Managing and Monitoring, but the term “GUI” does not appear in that group of claims.” In response, the examiner notes that in order for an invention to be classified in class 715, subclass 736 the specific term “GUI” does not necessarily have to appear in the claim language. It is the essence of the claimed invention which is more important. For instance, while the invention in Group I is drawn to network management generally, using specific events occurring in the network, the invention of Group III is drawn to

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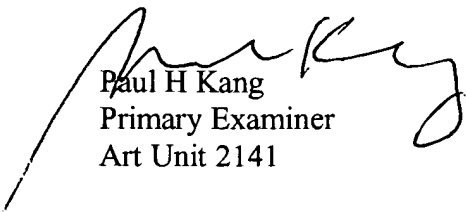
managing and monitoring a network through a graphical representation of the network, such as a network map or representations of the logical planes. Therefore, the restriction of the invention into the three distinct groups is deemed to be proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H Kang
Primary Examiner
Art Unit 2141